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15. (Currently Amended) The use of a protein according to claim 14, ~~wherein the in vitro method is conducted on a liver tissue sample from said subject, and comprises quantifying level of said protein in said liver tissue sample, in relation to normal reference values for said protein in liver tissue, to determine presence of or susceptibility to NASH in said subject.~~

16. (Currently Amended) An in vitro method for assessment of a liver tissue sample from a subject, to determine presence of or susceptibility to NASH in said subject, said method comprising:

- a) detecting and quantifying in said liver tissue sample the level of a protein selected from apolipoprotein A1 (APA1), mitochondrial ATPase β subunit (ATPB), leukotriene A4 hydrolase (LKHA), keratin 18 (K1CR), guanidinoacetate N-methyltransferase (GAMT), superoxide dismutase (SODC), ~~albumin (ALBU)~~, antioxidant protein 2 (AOP2) (isoforms 1 and 2), prohibitin 1 (PHB1), methionine adenosyl transferase (MAT), long-chain acyl-CoA dehydrogenase (ACDL), selenium binding protein (SBP), and their combinations; and
- b) comparing the results obtained in step a) with normal reference values for said proteins in liver tissue.

Section II (Remarks)

Amendment of Claims 1-3 and 5-16, to Obviate Restriction Requirement

Claims 1-3 and 5-16 have been amended herein to obviate the restriction requirement and present claims 1-16 for unitary examination in the further proceedings, as well as to obviate any basis of rejection in the further proceedings on grounds of the Lonardo, et al. reference.

Claim 1 now recites a method according to claim 16, further comprising the step of obtaining the liver tissue sample from said subject.

Claim 14 has been amended to recite the use of a protein selected from among various recited protein species and their combinations, in the method of claim 16.

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Claim 15 has been amended to recite determination of the presence of NASH in the subject.

In addition to these changes, the term "albumin (ALBU)" or "ALBU" have been deleted from claims 1, 3, 5-8, 14 and 16. The subject matter of the amended claims thereby patentably delineates over Lonardo, et al., thereby obviating the "special technical feature" issue discussed at page 2 of the Office Action.

Response to Restriction Requirement

Based on the foregoing, the restriction requirement has been rendered moot, since all claims are of dependent form under claim 16.

Nonetheless, in view of the requirement, in paragraph 3 at page 2 of the Office Action, for an election of a species or invention to be examined even though the requirement be traversed, applicants elect the *in vitro* method of claim 16, with TRAVERSE.

Such traversal is based on the amendment of claims herein, such that claims 1-15 are now of dependent form under claim 16.

It therefore is requested that the Examiner re-designate all claims 1-16 as a single group for purposes of further search and examination.

Lonardo, et al.

Lonardo, et al., cited by the Examiner at page 2 of the Office Action is limited to disclosure of albumin and provides no disclosure or suggestive basis for utilization of other protein species.

Applicants' claims 1-16, as herein amended, therefore patentably delineate over Lonardo, et al.

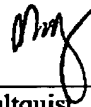
CONCLUSION

Amended claims 1-16 are now in form for consolidated examination on the merits, and such amended claims patentably delineate over the disclosure of Lonardo, et al.

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If any issues arise in the subsequent proceeding involving this application, which are susceptible to telephonic resolution, the Examiner is respectfully requested to contact the undersigned attorney at (919) 419-9350 to discuss same, in order that the prosecution of the application can be expedited in favor of early allowance of the application.

Respectfully submitted,



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